

REMARKS

The present amendment is in response to the Final Rejection dated May 5, 2004, where the Examiner rejected claims 1-20. The Examiner provided a Claim Objection because of an informality, which the Applicant has addressed herewith. Additionally, the Examiner provided claim rejection under 35 USC 103. Finally, the Examiner provided a response to Applicant's arguments dated August 6, 2003.

A. Claim Objections

The Examiner objected to claim 13 because of informalities in which the misspelled word "conigured". As requested by the Examiner, the Applicant has corrected the informality and changed the word to "configured."

B. Claim Rejection Under 35 USC 103

The Examiner rejected claims 1-20 as unpatentable over Burden, U.S. Patent 3,243,568 ("Burden '568") in view of Wada et al., U.S. Patent No. 4,208,564 ("Wada '564"). Applicant respectfully disagrees with the Examiner's arguments. However, in order to expedite the prosecution of the patent application, the Applicant has modified the independent claims 1, 9, and 13 to include the limitation of "at least one or more of said plurality of insulator modules configured to melt into a molten flux puddle." Burden '568 and Wada '564 do not teach this limitation.

As stated in Section 2143 of the MPEP:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure. Section 2143, MPEP Rev. 2.0, May 2004, pg. 2100-129.

Here, there is no suggestion or motivation within Burden '568 and Wada '564 to have at least one of the plurality of insulator modules melt in the molten slag/flux bath. Furthermore, neither Burden '568, Wada '564, or any other prior art cited by the Examiner teach the limitation of having the insulator modules configured to melt in the molten flux bath.

Thus, the Applicant contends that the independent claims 1, 9 and 13 are in a state of allowance. Therefore, each of the claims that depend on claims 1, 9 and 13 are also in a state of allowance.

C. Examiner's Response to Arguments


The Applicant would like to thank the Examiner for taking the Applicant's arguments under consideration and for the Examiner's responsive comments on Page 4, Section 5. It is respectfully submitted that the present claim amendments include the limitation of insulator modules configured to melt in a molten slag bath, which when read into the independent claims puts claims 1 -20 in a state of allowance.

F. Conclusion

For all the foregoing reasons, allowance of claims 1-20 pending in the present application are respectfully requested.

Respectfully Submitted;

Dated: Nov. 5, 2004



Michael A. Kerr
Patent Attorney
Reg. No. 42,722

Michael A. Kerr
VIRTUAL LEGAL, P.C.
777 E. William St., Ste. 211
Carson City, NV 89701

Tel: (775) 841-3388
Fax: (858) 841-3389